IN THE UNITED STATES DISTRICT COURT FOR THE

EASTERN DISTRICT OF CALIFORNIA

MIKE NELSON COMPANY, INC., a) CV F 05-0208 AWI DLB
California Corporation,)
•	ORDER ON WESTON
Plaintiff,) HATHAWAY'S NOTICE OR
v.	REQUEST TO WITHDRAW ITS
) MOTION TO DISMISS AND
WESTON HATHAWAY, and DOES) MOTION TO STRIKE
1 through 10,	ĺ
Defendants.	}
)

Defendant Weston Hathaway has filed for decision a motion to dismiss and to strike Plaintiff Mike Nelson Co.'s Third Amended Complaint. Hearing on this motion is set for March 20, 2006. On March 14, 2006, Hathaway filed a notice of withdrawal of its motion to dismiss and motion to strike. The March 14, 2006, document is entitled a "Motion to Withdraw," the document is entered as a "Request to Withdraw," but the language of the document indicates that the document is a notice of withdraw. Out of concern for the court's docket, the Court acknowledges Defendant's notice of withdrawal and/or grants Defendant's request/motion.

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Accordingly, IT IS HEREBY ORDERED that:

- Defendant's Motion to Dismiss and To Strike, which is document No. 62 in the Court's docket of this case, has been withdrawn by Defendant and is no longer before the Court; and
- 2. The March 20, 2006, hearing in this matter is VACATED.

IT IS SO ORDERED.

Dated:March 21, 2006/s/ Anthony W. Ishii0m8i78UNITED STATES DISTRICT JUDGE